REMARKS

This Amendment, submitted in response to the Office Action dated January 23, 2004, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1, 5, 8, 9, 13, 17 and 24 are amended merely to correct informalities. New claims 25-27 are added. Accordingly, claims 1-27 are all the claims pending in the present application. The specification is amended to recite the application numbers of co-pending cases, to conform to the drawings and to reflect that the Appendix is placed on a compact disc. The compact disc containing the Appendix is submitted herewith.

Claims 1-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over DeRose et al. (US 5,557,722) in view of Hartman et al. (US 5,960,411). Applicant submits the following in traversal of the rejections.

Claims 1, 9 and 17

DeRose is cited for teaching determining a content count for a content object, as recited in claim 1. DeRose describes indexing electronic documents which reports, for selected words, the number of occurrences of that word within each section and subsection of a document. See col. 2, lines 60-64. It appears that an electronic document in DeRose is cited for teaching a content object and DeRose's indexing of words in the document is referred to for teaching a content count.

The Office Action acknowledges that DeRose does not teach "determining from the content count a price for the content object" and Hartman is cited to cure the deficiency. Hartman describes a method and system for placing an order on the Internet using single action

ordering. The single action ordering reduces the number of purchaser interactions needed to place an order and reduces the amount of sensitive information that is transmitted between a client system and a server system. See col. 3, lines 30-37.

Hartman col. 1, lines 32-45, Fig. 1C and Fig. 2 is cited for teaching determining from a content count a price for the content object, as further recited in claim 1. The respective column and lines of Hartman that are cited describe the display of a Web page using HTML. Fig. 1C illustrates the display of a Web page representing four single action orders that have been combined into two separate multiple-item orders based on the availability of the items. Fig. 2 illustrates a client and server supporting the single-action ordering. There is no indication that a price is determined for a *content object* according to the content count, as recited in claim 1.

In the Office Action it is asserted that it would have been obvious to use the commerce method of Hartman to improve DeRose so that content entities of customized price could have been traded electronically. It is also stated that the combination of Hartman with DeRose would have been obvious such that a purchaser could acquire only the content they desire without any extraneous part.

However, the reasoning in the Office Action is based purely on hindsight. DeRose pertains to a word search so that an index or a table of contents can be created indicating where a particular word is located in an electronic document. At no point is a purchase of words (a "content entity" as asserted in the Office Action) or the electronic document (a "content object" as asserted in the Office Action) performed in DeRose. Hartman describes a single action ordering system where a product can be ordered in one step. The prior art offers absolutely no reason and does not even suggest charging a user according to the number of words that appear

in an index or table of contents (content count) when a user is generating an appendix or a table of contents. It is respectfully submitted that the reasoning in the Office Action is clearly a result of impermissible hindsight.

For the above reasons, it is respectfully submitted that, claims 1, 9 and 17 and their dependent claims are patentable over the prior art.

Claims 3, 11 and 19

The Examiner cites DeRose for teaching that the step of obtaining a content count for entities containing characters further comprises the step of determining a character count for the entity, as recited in claim 3.

However, DeRose, either alone or in combination with Hartman, does not teach or suggest performing a character count. At most, DeRose appears to perform a word count. However, a word count is not a character count as would be apparent to one of ordinary skill in the art. Accordingly, DeRose does not teach or suggest all the elements of claim 3, and hence, claim 3 and its dependent claims are not rendered unpatentable. Since claims 11 and 19 describe similar elements, claims 11 and 19 and their dependent claims also are not rendered unpatentable.

Claims 6, 14 and 22

Claim 6 recites multiplying the page count with a predetermined price per page value. The Examiner acknowledges that DeRose does not teach multiplying a page count with a predetermined price per page value and cites Hartman to cure the deficiency. However, Hartman also does not disclose or even suggest performing page counts. In particular, Hartman has nothing to do with the purchase of documents, consequently there would be no reason to perform

a page count. Therefore, claim 6 is not rendered unpatentable. Since claims 14 and 22 describe similar elements, they too are not rendered unpatentable by the prior art.

Claim 7

Claim 7 recites that at least one of the content entities comprises user-provided content wherein determining the price for the content object further comprises separately determining a price for user provided content and summing it with the price determined for the remaining content entities of the content object.

The Examiner acknowledges that DeRose does not teach all the elements of claim 7 and cites Hartman to cure the deficiency. However, Hartman neither teaches nor suggests regarding determining a price for a content object based on user provided content. In particular, at no point does Hartman disclose or suggest a user providing an item for purchase. Therefore, claim 7 and its dependent claims are not rendered unpatentable. Since claims 15 and 23 describe similar elements, claims 15 and 23 and their dependent claims also are not rendered unpatentable, for at least the same reasons.

New claims

Applicant has added claims 25-27. These new claims are supported at least on page 3, line 28 to page 4, line 32. Claims 25-27 are patentable at least by virtue of their dependency to patentable claims for the reasons set forth above.

Submission of Appendix on CD-R

Submitted herewith for filing in the present application is a Compact Disc-Recordable (CD-R) having recorded thereon an ASCII text computer program listing prepared in compliance with 37 C.F.R. §1.96, and a duplicate copy of the CD-R. The computer program listing was

created and stored on the CD-R in IBM-PC format using a Microsoft Windows operating system. Each CD-R is physically labeled with the title of the invention, the docket/application numbers of the application, the creation date of the CD-R and an indication of the inventorship. Two copies of the CD-R are provided (numbered CD #1 of 1 / Copy 1 and CD #1 of 1 / Copy 2, respectively), with each copy containing the file detailed below.

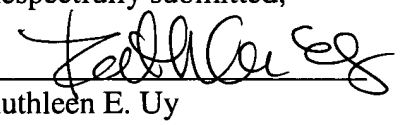
File Contents of CD #1 of 1:

File Name	Files Size	Creation Date
AppendixA.txt	107 KB	5/16/2002

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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